

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

EDWARD VERNON STEPHENS, II,)

Plaintiff,)

v.)

Case No. CV413-023

CRIMINAL JUSTICE)

DEPARTMENT,)

Defendant.)

REPORT AND RECOMMENDATION

Alleging, *inter alia*, that he “was put under Domestic Remote Mind Reading surveillance for over the last 4 years [and] also I am a member of the Central Intelligence Agency since the age of 8 years old,” doc. 1 at 3, Edward Vernon Stephens, II, filed this apparent civil rights case, though he invokes no particular remedy. *Id.* at 1-9. And the judicial relief that he seeks cannot reasonably be deciphered. *Id.* at 8-9. Presumably he wishes to be freed of the mind-reading surveillance, among other things.

Stephens also seeks leave to proceed *in forma pauperis* (IFP). Doc. 2. In that he is indigent, the IFP motion is **GRANTED**. Doc. 2. IFP

“proceedings are governed by 28 U.S.C. § 1915. Subsection (e)(2) of that statute provides that ‘the court shall dismiss the case at any time if the court determines that ... (B) the action or appeal -- (i) is frivolous or malicious [or]; (ii) fails to state a claim upon which relief may be granted.’ 28 U.S.C. § 1915(e)(2).” *Williams v. St. Vincent Hosp.*, 258 F. App’x 293, 294 (11th Cir. 2007). Hence, this Court can *sua sponte* dismiss claims resting upon “‘an indisputably meritless legal theory’” or “factual contentions [that] are clearly baseless.” *Denton v. Hernandez*, 504 U.S. 25, 32 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)).

Factually frivolous claims include those that describe “‘fantastic or delusional scenarios, claims with which federal district judges are all too familiar.’” *Id.* (quoting *Neitzke*, 490 U.S. at 328); *Gallop v. Cheney*, 642 F.3d 364, 366, 368-69 (2d Cir. 2011) (district court permitted to *sua sponte* dismiss complaint as factually frivolous where plaintiff, represented by counsel, filed complaint alleging that senior U.S. government officials caused the September 11, 2001 attacks); *Williams*, 258 F. App’x at 294 (affirming *sua sponte* dismissal where “complaint

presents a 'far-fetched' scenario based on assertions of a massive conspiracy"). Accordingly, this case should be **DISMISSED**.

SO REPORTED AND RECOMMENDED, this 13th day of
February, 2013.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA